

The Senate then refused to pass the bill to a third reading, by the following vote:

YEAS—Senators Blassingame, Brown, Crain, Guy, Martin, McCormick, Piner, Ripetoe, Storey, Terrell—10.

NAYS—Senators Ball, Burton, Edwards, Francis, Ford, Grace, Henry J. R., Henry F. M., Ledbetter, McLeary, Moore, Thompson, Wortham—13.

NOT VOTING—Senators McCulloch, Stephens—2.

Senator McLeary moved to reconsider the vote just taken, and to lay that motion on the table.

Lost, by the following vote:

YEAS—Senators Burton, Ford, Ledbetter, McLeary, Ripetoe—5.

NAYS—Senator Ball, Blassingame, Brown, Crain, Edwards, Francis, Grace, Guy, Henry J. R., Henry F. M., Martin, McCormick, McCulloch, Piner, Storey, Terrell, Thompson, Wortham—18.

NOT VOTING—Senators Moore, Stephens—2.

On motion of Senator McLeary, the Senate adjourned until to-morrow morning at 9 o'clock, by the following vote:

YEAS—Senators Ball, Brown, Burton, Crain, Ford, Henry F. M., Ledbetter, Martin, McLeary, McCulloch, Moore, Piner, Ripetoe, Stephens, Storey, Wortham—16.

NAYS—Senators Blassingame, Edwards, Francis, Grace, Guy, Henry J. R., McCormick, Terrell, Thompson—9.

NINETY-FIFTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, August 8, 1876. }

Senate met pursuant to adjournment. President *pro tem.* in the chair. Roll called. Quorum present. Prayer by the Chaplain.

Journal of yesterday adopted.

Senator McLeary, Chairman of the Committee on State Affairs, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on State Affairs, to whom was referred Senate Concurrent Resolution, "To provide for the dispatch of business," have had the same under consideration, and report it back to the Senate, and recommend its passage.

MCLEARY, *Chairman.*

Senator Edwards, from Judiciary Committee No. 1, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred House Bill No. 3, entitled, "An Act concerning the taking of acknowledgments and proof of deeds, and other written instruments, and to validate certain acts of officers herein named," have had the same under consideration, and instruct me to report the same back with the accompanying amendments, and recommend that it do pass as amended.

EDWARDS, *for Committee.*

Amend Section 1, line 5, after the words, "Notaries Public," by inserting the words, "in the State."

In Section 2, line 6, before the words, "Clerk of the District Court,"

insert the words, "County Judge;" and in Section 2, line 8, after the words, "Notaries Public," insert the words, "in this State."

Senator Piner, Chairman Judiciary Committee No. 2, submitted the following reports:

Hon. R. B. Hubbard, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate Bill No. 380, entitled, "An Act to amend Section 58 of an act entitled, 'An Act concerning private corporations,' approved April 23, 1874," report the same back and recommend its passage. . . . PINER, *Chairman*.

On motion of Senator Ledbetter, the rules were suspended, and House Bill No. 108, "An Act to enable the city of Galveston to construct a sea-wall and breakwater to levy a tax and issue bonds therefor, and to grant State aid to the same by donations of land," was taken up.

Senator F. M. Henry moved to postpone this bill until Saturday next, at 10 o'clock A. M., and to make it the special order for that day, and from day to day until disposed of,

Lost by the following vote:

YEAS—Senators Blassingame, Francis, Grace, Henry F. M., Martin, McLeary, Moore—7.

NAYS—Senators Brown, Burton, Crain, Edwards, Ford, Henry J. R., Hobby, Ledbetter, McCormick, McCulloch, Piner, Ripetoe, Stephens, Storey, Terrell, Thompson, Wortham—17.

NOT VOTING—Senator Guy—1.

Senator J. R. Henry in the chair.

The bill was then read second time.

President in the chair.

Senator Henry of Cass moved a call of the Senate.

Seconded.

Roll called.

ABSENT—Senators Crain, Ford—2.

Pending the call, the bill went to the table.

Senator Edwards moved to call up Senator McLeary's motion, made on yesterday, to reconsider the vote refusing to pass House Bill No. 263, "An Act to levy a tax on dogs, and to provide for the assessment and collection of the same."

Senator McLeary moved a call of the Senate.

Seconded.

Roll called.

ABSENT—Senator Ford—1.

Pending the call, the motion was suspended.

On motion of Senator Terrell, the rules were suspended, and Senate Bill No. 269, "An Act to amend Section 2 of an act to authorize and provide for a change of venue in criminal cases," approved April 7, 1874, was taken up and read second time.

Senator Terrell offered the following amendment:

"SEC. —. There being a necessity and emergency that this act go at once into effect, the same shall go into effect and be in force from and after its passage."

Adopted.

Bill ordered engrossed.

Senator Terrell moved to suspend the rules and place the bill on its third reading.

Carried by the following vote:

YEAS—Senators Ball, Blassingame, Brown, Burton, Crain, Grace, Guy, Henry J. R., Hobby, Ledbetter, Martin, McLeary, McCulloch, Moore, Piner, Ripetoe, Stephens, Storey, Terrell, Thompson, Wortham—21.

NAYS—None.

NOT VOTING—Senators Edwards, Francis, Ford, Henry F. M., McCormick—5.

Bill read third time and passed by the following vote:

YEAS—Senators Ball, Blassingame, Brown, Burton, Crain, Edwards, Grace, Guy, Henry J. R., Henry F. M., Hobby, Ledbetter, Martin, McLeary, McCulloch, Moore, Piner, Ripetoe, Stephens, Storey, Terrell, Thompson, Wortham—23.

NAYS—None.

NOT VOTING—Senators Francis, Ford, McCormick—3.

On motion of Senator Grace, the rules were suspended, and House Joint Resolution No. 424, "validating the acts of W. T. Neale, as Notary Public," was taken up, read third time and passed.

Senate announced full, and consideration of House Bill No. 108 was resumed.

Senator Piner offered the following amendment:

Amend Section 1, line 17, by striking out all after the word, "bonds," and inserting, "*and provided*, that two-thirds of the tax-payers of said city shall vote for said proposition."

Adopted, by the following vote:

YEAS—Senators Ball, Blassingame, Brown, Francis, Grace, Henry F. M., Hobby, Martin, Moore, Piner, Ripetoe, Stephens, Storey, Thompson—14.

NAYS—Senators Burton, Crain, Edwards, Ford, Henry J. R., Ledbetter, McLeary, McCormick, McCulloch, Terrell, Wortham—11.

NOT VOTING—Senator Guy—1.

Senator Ball offered the following amendment:

In Section 15, line 4, strike out all after the word, "State," to and including the word, "each," in line 7, and insert the following words: "He shall issue alternate land certificates, to be signed by the Commissioner of the General Land Office, for twenty-five sections of the vacant and unappropriated public domain of the State, which may be located on said public domain; each alternate survey to be made for the public free school fund, in accordance with the law regulating the location of alternate certificates issued to railway companies."

The hour for the special order having arrived, on motion of Senator McCormick, the same was postponed until the present bill was disposed of, by the following vote:

YEAS—Senators Ball, Brown, Burton, Crain, Francis, Ford, Grace, Guy, Henry J. R., Hobby, Ledbetter, Martin, McCormick, McCulloch, Moore, Piner, Ripetoe, Stephens, Storey, Terrell, Thompson, Wortham—22.

NAYS—Senators Blassingame, Edwards, Henry F. M., McLeary—4.

Senator F. M. Henry offered the following substitute for Senator Ball's amendment:

Amend by striking out all after the word, "therein," in Section 15, line 11, down to the word, "which," in line 12, same section, and inserting the following, to-wit: "The Governor shall issue and deliver to

said Board twenty-five certificates for 640 acres of land for each and every ten thousand dollars actually expended by said Board in erecting a sea-wall around the city of Galveston; that all land certificates that shall be issued to said city under the provisions of this act shall be located and surveyed in alternate sections; that is to say, said City Board, or its assignees, shall cause to be surveyed two sections of six hundred and forty (640) acres each for each certificate adjoining, and shall return to the General Land Office the field notes and maps of the same, and the Commissioner of the General Land Office shall thereupon number said sections so surveyed, and shall cause to be issued to said city, or its assignees, patents to the odd sections, the even sections being reserved to the State for the school fund; *provided*, that when fractions of less than 1280 acres, by reason of previous surveys, are found, the same may be located, by virtue of said certificates, in equal quantities, as above provided for."

Accepted by Senator Ball.

Senator Hobby in the chair.

Senator Crain moved the previous question on the pending amendment.

Seconded.

The main question was then ordered, by the following vote:

YEAS—Senators Blassingame, Brown, Burton, Crain, Edwards, Francis, Ford, Henry J. R., Hobby, Ledbetter, McCormick, McCulloch, Ripetoe, Stephens, Storey, Terrell, Wortham—17.

NAYS—Senators Ball, Henry F. M., McLeary, Piner, Thompson—5.

NOT VOTING—Senators Grace, Guy, Martin, Moore—4.

Senator Ball's amendment, as substituted by Senator Henry, was lost by the following vote:

YEAS—Senators Ball, Blassingame, Edwards, Grace, Henry F. M., McLeary, Piner, Storey, Wortham—9.

NAYS—Senators Brown, Burton, Crain, Francis, Ford, Henry J. R., Hobby, Ledbetter, McCormick, McCulloch, Ripetoe, Stephens, Terrell, Thompson—14.

NOT VOTING—Senators Martin, Moore—2.

Senator Guy was excused from voting.

Senator Piner offered the following amendment:

Amend Section 4 by striking out the words, "voting thereat," and inserting the words, "of the tax-payers of said city."

A message was received from the House, announcing the passage by that body of the following bills:

Senate Bill No. 228—"An Act fixing the time of holding District Courts in the Twenty-third Judicial District," with amendments.

House Bill No. 411—"An Act to make appropriations for the support of the State government for the fiscal years ending August 31, 1877, 1878, and for the additional period of time ending December 31, 1878."

House Bill No. 434—"An Act making an appropriation to defray the contingent expenses of the first session of the Fifteenth Legislature."

House Bill No. 432—"An Act to authorize County Judges to take acknowledgments of deeds and other written instruments for registration."

Also, that the House concurs in Senate amendments to House Bill No. 429, "An Act supplementary to and amendatory of 'An Act regulating the government of the Agricultural and Mechanical College of Texas,' approved March 9, 1875."

Senator J. R. Henry moved the previous question on the passage of the bill and pending amendment.

Seconded, and the main question ordered, by the following vote:

YEAS—Senators Brown, Crain, Edwards, Francis, Ford, Henry J. R., Hobby, Ledbetter, McCormick, McCulloch, Moore, Ripetoe, Storey, Terrell, Wortham—15.

NAYS—Senators Ball, Blassingame, Grace, Guy, Henry F. M., Piner, Stephens, Thompson—8.

NOT VOTING—Senators Burton, Martin, McLeary—3.

Senator Piner's amendment was lost by the following vote:

YEAS—Senators Ball, Blassingame, Francis, Grace, Henry F. M., Moore, Piner, Stephens—8.

NAYS—Senators Brown, Burton, Crain, Edwards, Ford, Guy, Henry J. R., Hobby, Ledbetter, McLeary, McCormick, McCulloch, Ripetoe, Storey, Terrell, Thompson, Wortham—17.

NOT VOTING—Senator Martin—1.

The bill then passed to a third reading by the following vote:

YEAS—Senators Brown, Burton, Crain, Edwards, Francis, Ford, Guy, Henry J. R., Hobby, Ledbetter, Martin, McCormick, McCulloch, Moore, Ripetoe, Stephens, Storey, Terrell, Thompson, Wortham—20.

NAYS—Senators Ball, Blassingame, Grace, Henry F. M., McLeary, Piner—6.

Senator Burton moved to suspend the rules, and place the bill on its third reading.

Lost, by the following vote (it taking a four-fifths vote to suspend):

YEAS—Senators Ball, Blassingame, Burton, Crain, Edwards, Ford, Guy, Henry J. R., Hobby, Ledbetter, McCormick, McCulloch, Moore, Ripetoe, Stephens, Storey, Terrell, Thompson, Wortham—19.

NAYS—Senators Blassingame, Francis, Grace, Henry F. M., McLeary, Piner—6.

On motion of Senator Edwards, the rules were suspended, and House Bill No. 3, "An Act concerning the taking of the acknowledgments and proof of deeds and other written instruments, and to validate certain acts of officers herein named," was taken up and referred to Judiciary Committee No. 1.

On motion of Senator Edwards, the rules were suspended, and House Bill No. 432, "An Act to authorize County Judges to take acknowledgments of deeds and other written instruments for registration," was taken up and referred to Judiciary Committee No. 1.

On motion of Senator Crain, the rules were suspended, and Senate Bill No. 228, "An Act to fix the times of holding the District Courts in the Twenty-third Judicial District, with House amendments," was taken up, and the said amendments concurred in.

On motion of Senator Wortham, the rules were suspended, special orders postponed, and House Bill No. 399, "An Act to detach the county of Rains from the Seventh Judicial District and to attach the same to the Eighth Judicial District, and to fix the times of holding the courts therein," was taken up and read second time.

Senator Wortham offered the following amendments:

Amend the caption by striking out the words, "to detach the County of Rains from the," and insert the words, "to define the 8th;" strike out the words, "and to attach the same to the Eighth Judicial District."

Amend Section 1, line 3, by striking out, "county," and inserting,

"counties;" and after the word, "Rains," in the same line insert the words, "Hunt, Delta, Hopkins, Kaufman and Rockwall;" strike out the words, "is hereby detached from the seventh," in line 4, and insert, "are constituted;" strike out, "seventh," in the same line, and insert, "eighth;" in lines 5 and 6, of the same section, strike out the words, "and attached to the Eighth Judicial District."

In Section 2, line 3, strike out, "fifteenth," and insert, "fourteenth;" strike out, "one," and insert, "two." Add to Section 2, the following:

"In the County of Hunt on the first Mondays in January and July, and may continue in session five weeks.

"In the County of Delta on the fifth Mondays after the first Mondays in January and July, and may continue in session two weeks.

"In the County of Hopkins on the seventh Mondays after the first Mondays in January and July, and may continue in session five weeks.

"In the County of Kaufman on the fourteenth Mondays after the first Mondays in January and July, and may continue in session four weeks.

"In the County of Rockwall on the eighteenth Mondays after the first Mondays in January and July, and may continue in session one week."

Strike out Section 3, and insert the following:

"SEC. 3. All process heretofore issued or served, returnable in any of the counties of said Eighth Judicial District as heretofore prescribed by law, shall be considered as returnable at the times herein prescribed; and all such process is hereby legalized and validated as if the same had been made at the times herein prescribed.

Add the following sections:

"SEC. 4. That all laws and parts of laws in conflict with this act, be, and the same are, hereby repealed.

"SEC. 5. That an imperative public necessity and emergency exists for the holding of the courts in the Eighth Judicial District, in accordance with the provisions of this act; therefore, this act shall take effect and be in force from and after its passage."

Amendment adopted and bill passed to a third reading.

Senator Wortham moved to suspend the rules and place the bill on its third reading.

Carried by the following vote:

YEAS—Senators Brown, Burton, Crain, Edwards, Francis, Ford, Grace, Guy, Henry J. R., Henry F. M., Hobby, Ledbetter, McLeary, McCormick, McCulloch, Moore, Piner, Ripetoe, Stephens, Storey, Thompson, Wortham—22.

NAYS—Senator Martin—1.

NOT VOTING—Senators Ball, Blassingame, Terrell—3.

Senator Martin moved that the county of Rains be stricken out wherever it occurs in the bill.

Lost.

Bill read third time and passed by the following vote:

YEAS—Senators Ball, Blassingame, Brown, Burton, Crain, Douglass, Edwards, Henry J. R., Hobby, McCulloch, Ripetoe, Stephens, Storey, Wortham—14.

NAYS—Senators Francis, Grace, Guy, Henry F. M., Ledbetter, Martin, McLeary—7.

NOT VOTING—Senators Ford, McCormick, Moore, Piner, Terrell, Thompson—6.

President *pro tem.* in the chair.

The President *pro tem.*, after reading their captions, signed the following bills:

House Bill No. 429: "An Act supplementary to and amendatory of an act entitled, 'An Act regulating the government of the Agricultural and Mechanical College of Texas,'" approved March 9, 1876.

Senator Hobby in the chair.

On motion of Senator Storey, the rules were suspended, special orders postponed, and Senate Bill No. 338, "An Act to prescribe the mode of withdrawing evidence of title and other written instruments from courts in which they have been filed or offered in evidence," was taken up, read third time and passed.

On motion of Senator Ledbetter, the Senate went into executive session.

IN SENATE.

The Secretary is instructed to inform His Excellency, the Governor that the Senate does advise and consent to all his appointments of Notaries Public, in his messages of the 4th and 7th insts., respectively, except Thomas S. Buckner, of Kimble county, whose confirmation was postponed.

On motion of Senator McLeary, the rules were suspended, and his resolution offered on yesterday, "for the dispatch of business," was taken up and read.

On motion of Senator Storey, the first clause of the resolution, "that hereafter no bills shall be introduced into either House, except such as are clearly directed by the Constitution," was stricken out.

On motion of Senator Burton, the last clause, "that no bill of a private or special nature shall be considered, except at night sessions," was stricken out, and the resolution, as amended, adopted.

On motion of Senator Guy, the rules were suspended, and House Joint Resolution No. 431, "To specify the disposition to be made of the proceeds of bonds for casual deficiencies," was taken up.

On motion of Senator Edwards, the resolution was referred to the Finance Committee by the following vote:

YEAS—Senators Blassingame, Brown, Crain, Douglass, Edwards, Francis, Ford, Grace, Henry J. R., Henry F. M., Hobby, Ledbetter, Martin, McCormick, Moore, Piner, Ripetoe, Stephens, Storey, Thompson, Wortham—21.

NAYS—None.

NOT VOTING—Senators Ball, Burton, Guy, McLeary, McCulloch, Terrell—3.

House Bill No. 411, "The appropriation bill," was taken up and referred to the Committee on Finance.

On motion of Senator Stephens, the rules were suspended, and House Bill No. 203, "An Act supplementary to 'An Act to create and organize the county of Somerville,' approved March 13, 1875," was taken up, read second time, and passed to a third reading.

Senator Edwards, for Judiciary Committee No. 1, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

A majority of your Committee on Judiciary No. 1, to whom was referred House Bill No. 3, "An Act concerning the taking of the acknowl-

edgment and proof of deeds and other written instruments, and to validate certain acts of officers herein named;" also, House Bill No. 432, "An Act to authorize County Judges to take acknowledgments of deeds and other written instruments for registration," have had the same under consideration, and instruct me to report back House Bill No. 432, above described, and recommend that it do pass; and as said House Bill No. 432 makes sufficient provision to meet defects desired to be remedied by said House Bill No. 3, they instruct me to report the same back, and recommend that it do not pass. EDWARDS, *for Committee*.

On motion of Senator Crain, the rules were suspended, and Senate Bill No. 380, "An Act to amend an act concerning private corporations," was taken up and read second time.

Senator Thompson offered the following amendment:

"There being nothing in the general act of incorporation to provide for the incorporation of companies to construct canals for the purpose of navigation, an emergency exists that creates a public necessity that this act should take effect and be in force from and after its passage, and it is, therefore, enacted that this act shall take effect and be in force from and after its passage."

Adopted.

The bill, as amended, was then ordered engrossed.

Senator Crain moved a suspension of the rules to put the bill on its third reading.

Carried, by the following vote:

YEAS—Senators Blassingame, Burton, Crain, Douglass, Edwards, Ford, Grace Guy, Hobby, Ledbetter, McLeary, McCormick, McCulloch, Moore, Piner, Ripetoe, Stephens, Storey, Terrell, Thompson, Wortham—21.

NAYS—Senators Henry F. M., Martin—2.

NOT VOTING—Senators Ball, Brown, Francis, Henry J. R.—4.

The bill was then read third time, and passed by the following vote:

YEAS—Senators Ball, Blassingame, Burton, Crain, Douglass, Edwards, Ford, Grace, Henry J. R., Hobby, Ledbetter, Martin, McLeary, McCormick, McCulloch, Moore, Piner, Ripetoe, Stephens, Storey, Thompson, Wortham—22.

NAYS—Senator Henry F. M.—1.

NOT VOTING—Senators Brown, Francis, Guy, Terrell—4.

Senator Crain, from Committee on Engrossed Bills, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Engrossed Bills have carefully read, examined and compared Senate Bill No. 377, "An Act to relieve from taxation the property of certain citizens of Matagorda and Brazoria counties," and find the same correctly engrossed. CRAIN, *for Committee*.

On motion of Senator McLeary, the rules were suspended, and the report of the committee, as made by Senator Edwards, recommending that House Bill No. 3, "An Act concerning the taking of the acknowledgment and proof of deeds, and other written instruments, and to validate certain acts of officers herein named," do not pass; and that House Bill No. 432, "An Act to authorize County Judges to take acknowledgment of deeds and other written instruments for registration," do pass, was taken up.

The report of the committee was adopted.

The Bill No. 432 was read first time.

Senator McLeary moved a suspension of the rules to put the bill on its second reading.

Carried, by the following vote:

YEAS—Senators Blassingame, Burton, Crain, Douglass, Edwards, Francis, Ford, Grace, Guy, Henry J. R., Henry F. M., Hobby, Ledbetter, McLeary, McCormick, McCulloch, Moore, Piner, Stephens, Storey, Terrell, Wortham—22.

NAYS—None.

NOT VOTING—Senators Ball, Brown, Martin, Ripetoe, Thompson—5.

Bill read second time, but then failed to pass to a third reading, by the following vote:

YEAS—Senators Ball, Edwards, Grace, Henry F. M., Hobby, Ledbetter, Martin, McLeary, Ripetoe—9.

NAYS—Senators Blassingame, Burton, Crain, Douglass, Francis, Ford, Guy, Henry J. R., McCulloch, Moore, Piner, Storey, Thompson, Wortham—14.

NOT VOTING—Senators Brown, McCormick, Terrell—3.

On motion of Senator Storey, the rules were suspended, and House substitute for House Bill No. 37, "An Act regulating the duties of the Tax Collectors in reference to the seizure and sale of property of delinquent tax-payers, and to define the further duties, powers, qualifications and liabilities of Collectors of Taxes, and to regulate their compensation," was taken up and made the special order for to-morrow morning at 10 o'clock A. M., and from day to day until disposed of.

On motion of Senator Crain, the rules were suspended, and House Bill No. 59, "An Act to amend Section 5 of 'An Act concerning rents and advances,' approved April 4, 1874," was taken up and read first time.

On motion of Senator Storey, the rules were suspended, and substitute for House Bills Nos. 189 and 211, "An Act to carry into effect Section 22, Article 16, of the Constitution of the State of Texas, authorizing the passage of fence laws," was taken up and read second time.

Senator Ball in the chair.

The report of the committee, with amendments, was adopted, and the bill passed to a third reading.

House Bill No. 364, "An Act to define the duties of persons subject to taxation by the laws of this State, and to affix penalties for the violation of the same," was taken up, read second time, and passed to a third reading.

On motion of Senator Edwards, the rules were suspended, and House Bill No. 345, "An Act to diminish the civil and criminal jurisdiction of the County Court of Angelina County; and to conform the jurisdiction of the District Court of said county to such change," was taken up and read first time.

Senate Bill No. 60, "An Act to amend Section 2 of an act better defining marital rights of parties, passed March 13, 1848," was taken up, and, on motion of Senator McLeary, the bill was postponed, subject to call.

Senator Ford moved to reconsider the vote refusing to pass to a third reading House Bill No. 432, "An Act to authorize County Judges to take acknowledgments of deeds and other written instruments for registration."

On motion of Senator Martin, the Senate adjourned until 4 o'clock P. M.

AFTERNOON SESSION.

Senate met according to adjournment. President in the chair. Roll called. No quorum present.

Senator McLeary moved a call of the Senate.

Call sustained.

Roll called.

ABSENT—Senators Brown, Crain, Edwards, Ford, Thompson—5

A quorum being announced present, the Senate proceeded to business.

On motion of Senator Ledbetter, the rules were suspended, and Senate Bill No. 351, "An Act to provide for filling vacancies in the office of District Clerk," was taken up, read second time and ordered engrossed.

Senator Ledbetter moved a suspension of the rules to place the bill on its third reading.

Carried by the following vote:

YEAS—Senators Ball, Blassingame, Burton, Douglass, Francis, Guy, Henry J. R., Henry F. M., Hobby, Ledbetter, Martin, McLeary, McCormick, McCulloch, Moore, Piner, Ripetoe, Stephens, Storey, Terrell, Wortham—21.

NAYS—None.

NOT VOTING—Senators Brown, Crain, Edwards, Ford, Grace, Thompson—6.

The bill was then read the third time and passed by the following vote:

YEAS—Senators Ball, Blassingame, Brown, Burton, Douglass, Edwards, Guy, Henry J. R., Henry F. M., Hobby, Ledbetter, Martin, McLeary, McCormick, McCulloch, Piner, Ripetoe, Stephens, Storey, Terrell, Wortham—21.

NAYS—None.

NOT VOTING—Senators Crain, Francis, Ford, Grace, Moore, Thompson—6.

The President, after reading its caption, signed Senate Bill No. 228, "An Act fixing the times of holding the District Courts in the Twenty-third Judicial District."

The hour having arrived for the consideration of the special order, substitute for Senate Bill No. 57, "An Act to provide for designating and surveying three million acres of the unappropriated public domain for the erection of a new State Capitol and other necessary public buildings at the seat of government," with the report from special committee, recommending the passage thereof, with amendments, and also a pending substitute by Senator Ball for the original substitute, with amendments, was taken up.

Senator Ball moved the adoption of the minority report, recommending a substitute for the original substitute, etc., for the bill.

Lost by the following vote:

YEAS—Senators Ball, Blassingame, Douglass, Guy, Henry J. R., Henry F. M., Hobby, Moore, Piner, Ripetoe, Thompson, Wortham—12.

NAYS—Senators Brown, Burton, Crain, Edwards, Francis, Ford, Led-

better, Martin, McLeary, McCormick, McCulloch, Stephens, Storey, Terrell—14.

NOT VOTING—Senator Grace—1.

The report of the majority of the committee, with amendments, was then adopted by the following vote:

YEAS—Senators Brown, Burton, Crain, Douglass, Edwards, Francis, Ford, Ledbetter, Martin, McLeary, McCormick, McCulloch, Stephens, Storey, Terrell—15.

NAYS—Senators Ball, Blassingame, Guy, Henry J. R., Henry F. M., Hobby, Moore, Piner, Ripetoe, Thompson, Wortham—11.

NOT VOTING—Senator Grace—1.

A message was received from the House, announcing that that body had concurred in Senate amendments to the following bills:

House Bill No. 212, entitled "An Act to facilitate commerce and navigation within the navigable waters of the State of Texas."

House Bill No. 419, entitled, "An Act to establish a branch of the Agricultural and Mechanical College of the State of Texas, for the benefit of the colored youths, and to make and appropriation therefor."

House Bill No. 399, entitled, "An Act to detach the county of Rains from the Seventh Judicial District and to attach the same to the Eighth Judicial District, and to fix the time of holding the courts therein."

Senator Edwards in the chair.

A message was received from the House announcing the passage by that body of Senate Bill No. 373, entitled, "An Act to regulate proceedings in County Courts pertaining to the estates of deceased persons," with amendments.

That the House has concurred in Senate amendments Nos. 1, 5 and 8, and refuses to concur in Senate amendments Nos. 2, 3, 4, 7, 9, 10, 11 and 12, and reconsidered amendment No. 6, and, as amended, concurred in it—to substitute for House Bill No. 77, entitled, "An Act to define the duties, powers and qualifications, and liabilities of Assessors of Taxes, and to regulate their compensation."

That the House has concurred in Senate amendments Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 12, 13 and 18, and refuses to concur in amendments Nos. 10, 11, 14, 15, 16, 17, 19, 20, 22, 23 and 24, to House Bill No. 412, entitled, "An Act making appropriations for deficiencies for the fiscal year, beginning September 1, 1875, and ending August 31, 1876," and previous years.

That the House concurs in Senate amendments Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 11 and 13, and refuses to concur in amendments Nos. 10, 12, and 13, to House Bill No. 69, entitled, "An Act to provide for the election of Justices of the Peace, and to define their powers and jurisdiction."

The President appointed as a Conference Committee, on House Bill No. 77, Senators Thompson, Crain and McLeary.

On House Bill No. 69, he appointed Senators Terrell, McCormick and Guy.

On House Bill No. 412, Senators Storey, Piner and Edwards.

In the consideration of substitute for Senate Bill No. 57, Senator Piner moved to fill the blank in the substitute for Section 11, line 4, by inserting, "one dollar," and striking out the word, "cents," after the blank.

Senator Storey moved to amend the amendment by filling the blank with the word, "fifty."

Senator Piner's amendment; containing the largest amount, was put, and adopted by the following vote:

YEAS—Senators Ball, Blassingame, Brown, Douglass, Ford, Grace, Guy, Henry J. R., Henry F. M., Hobby, Ledbetter, Martin, McCormick, McCulloch, Moore, Piner, Ripetoe—17.

NAYS—Senators Crain, Edwards, Francis, McLeary, Stephens, Storey, Terrell, Thompson—8.

NOT VOTING—Senators Burton, Wortham—2.

Senator Crain offered the following substitute for Section 12 of the bill:

"SEC. 12. An amount of money equal to that used in carrying out the provisions of this act shall be taken out of the first money received from the sale of said land, and shall be placed to the credit of the general revenue account, to reimburse the State for the appropriation made in this act."

Adopted.

Senator Ball offered the following amendment:

Strike out the words, "the territory," in committee's amendment to the original bill, and insert the following words: "By his files in the Surveyor's office, for each 640 acres he intends to survey, and shall make surveys in accordance with said files."

Senator Storey offered the following substitute for Senator Ball's amendment:

After the word, "surveying," in the last amendment offered by the committee, insert the following: "And said territory shall not be subject to location for other purposes for four months after said designation."

Adopted, by the following vote:

YEAS—Senators Brown, Burton, Crain, Edwards, Francis, Ford, Martin, McLeary, McCormick, McCulloch, Moore, Stephens, Storey, Terrell, Wortham—15.

NAYS—Senators Ball, Blassingame, Douglass, Grace, Guy, Henry J. R., Henry F. M., Hobby, Piner, Ripetoe—10.

NOT VOTING—Senators Ledbetter, Thompson—2.

Senator Grace, Chairman of Committee on Enrolled Bills, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Enrolled Bills have carefully examined, compared and found correctly enrolled the following bill:

Senate Bill No. 228, entitled: "An Act fixing the times of holding the District Courts in the Twenty-third Judicial District."

The same has been properly signed and presented to the Governor, this day, at 5 o'clock P. M., for his approval. GRACE, *Chairman.*

On motion of Senator Burton, the Senate adjourned until to-morrow, at 9 o'clock A. M.

NINETY-SIXTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, August 9, 1876. }

Senate met pursuant to adjournment. President *pro tem.* in the chair. Roll called. Quorum present. Prayer by the Chaplain.